vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6162 OF 2002

Zilla Parishad, Nashik & Anr. ... Petitioners

V/s.

Shri Raosaheb Khanderao Vaychale ... Respondent

Ms.Manisha Shekhar for Petitioners

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 14, 2007**

P.C.:

. This Petition has been pending from the year 2002. On 30.10.2002, the Petitioners had obtained a stay of the impugned orders. This Court had directed that the Petition would be heard finally at the stage of admission. The Respondent has been served. However, nobody appears for him. The Petitioner Zilla Parishad terminated the services of the Respondent workman on 20.12.1990 pursuant to which the workman filed a complaint (ULP) No.29 of 1991. The Presiding Officer, Labour Court, Nasik granted reinstatement with backwages to the workman. It was held that the Petitioners had not controverted the evidence of the workman. The workman had proved that he was in service for more than 240 days and had been illegally terminated from service. The Labour Court thus on a finding of fact came to the

conclusion that the respondent workman was entitled to reinstatement with continuity of service and full backwages. Aggrieved by this decision of the Labour Court, the Zilla Parishad challenged the same by filing Revision Application (ULP) No.44 of 2002 before the Member, Industrial Court, Nasik. The Revision Application was also dismissed on 17.4.2002.

2. Both the Courts below have found that the Petitioner-Zilla Parishad did not lead any evidence at all. Documents which were there in their possession like the attendance and wage registers were not brought on record inspite of a specific direction of the Court to do so. Hence, adverse inference has been drawn by both the Courts below. In view of this, the workman's contention that he had worked for more than 240 days in a year has gone uncontroverted. Apart from this, the workman has proved that no enquiry was held before terminating his services nor were the provisions of section 25F of the Industrial Disputes Act followed. In such circumstances, in my view, there is no need to interfere with the concurrent finding of facts of both the Courts below.

3. Petition rejected.